

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

IN RE:

ROSEMARY DAVIS

Debtor

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Case No. 14-10627-BFK  
Chapter 7

**TRUSTEE'S OBJECTION TO CLAIM OF EXEMPTION**

Pursuant to Federal Rule of Bankruptcy Procedure 4003, Janet M. Meiburger, the Trustee for the bankruptcy estate in the above-named case, hereby objects to the Debtor's claim of exemption in the real property located in Marion County, Florida, known as Sec 01, TWP 15, RGE 19, Plat Book N, Page 001, Meadow Wood Farms, Unit 2, Block 2, Lot 80 (the "Real Property"), and in support of this objection states as follows:

1. On February 22, 2014, (the "Petition Date"), the Debtor filed her voluntary petition for relief under Chapter 7 of the Bankruptcy Code. The Trustee was appointed on February 23, 2014 (Docket No. 4).

2. The 341 meeting in this case was concluded on April 3, 2014.

3. The Debtor is a resident of Prince William County, Virginia. The Debtor's Schedule A includes the Real Property, which is located in Florida.

4. The Debtor's homestead deed claims an exemption in the Real Property.

However, to the best of the Trustee's knowledge, the homestead deed was filed only in Prince William County, Virginia. It was not filed in Marion County, Florida.

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Proposed Counsel to Chapter 7 Trustee

5. Under Va. Code Ann. § 34-6, where a Virginia resident debtor owns real estate outside Virginia, in order for an exemption in the real estate located outside of Virginia to be valid, the homestead deed must be filed in the county where the debtor resides and also in the county where the property is located.

6. In this case, because the homestead deed was not filed in Marion County, Florida, the Debtor has not complied with the requirements of Va. Code Ann. § 34-6, and the Debtor's claim of exemption in the Real Property should be denied. *See, e.g., In Re McWilliams*, 296 B.R. 424 (Bankr. E.D. Va. 2002); *In re Mackie*, 2006 Bankr. LEXIS 812 (Bankr. E.D. Va. April 19, 2006) (Case No. 05-53293-A).

WHEREFORE, Janet M. Meiburger, the Chapter 7 Trustee, respectfully requests that the Court enter an Order denying the Debtor's claim of exemption in the real property located in Marion County, Florida, known as Sec 01, TWP 15, RGE 19, Plat Book N, Page 001, Meadow Wood Farms, Unit 2, Block 2, Lot 80, and granting such further relief as the Court deems appropriate under the circumstances.

Respectfully submitted,

THE MEIBURGER LAW FIRM, P.C.

Dated: May 5, 2014

By: /s/ Janet M. Meiburger  
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**CERTIFICATE OF SERVICE**

I HEREBY certify that on this 5th day of May, 2014, a true and correct copy of the foregoing Trustee's Objection to Claim of Exemption will be served by ECF e-mail pursuant to the applicable Standing Order of the Court, and by first class mail, postage prepaid on the following:

Juan Milanes  
The Law Firm of Juan Milanes  
1831 Wiehle Avenue, Suite 105  
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*Counsel for the Debtor*

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/s/ Janet M. Meiburger  
Janet M. Meiburger